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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding	A-6284	4646
5642 7590 10/09/2008 SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			EXAMINER VAN HANDEL, MICHAEL P	
			ART UNIT 2424	PAPER NUMBER
			NOTIFICATION DATE 10/09/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 09/518,041	<b>Applicant(s)</b> JERDING ET AL.
<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 121-144.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623

Continuation of 3: The applicant amended claim 121 to include "user request to set," thereby raising new issues that would require further consideration and/or search.

Continuation of 11:

Regarding claims 129 and 137, the applicant argues that LaJoie et al. does not teach or suggest that the highlighting and centering behavior occurs in response to a focus instruction. The examiner respectfully disagrees. The applicant specifically argues that the highlighting and centering behavior of LaJoie et al. does not occur in response to a focus instruction, but instead in response to an instruction to change IPG modes.

As noted in the Office Action mailed 7/07/2008, LaJoie et al. discloses an interactive program guide (IPG) with time, theme, and title modes (Fig. 16). From any television display 396, pressing guide key 398 causes set-top terminal 6 to enter the time mode of interactive program guide 400 (col. 25, l. 61-66 & Fig. 18). From within the IPG, the user can switch between different modes. From a time mode display 414 of the guide, pressing "B" application definable key 252 causes a theme mode display 416 of the guide to be presented. Pressing "C" application definable key 252 from the time mode display 414 causes title mode display 418 of the guide to be displayed. From either the theme mode or title mode, pressing "A" application definable key 252 causes the display to switch to time mode display 414 (col. 26, l. 27-47 & Fig. 19). Within the guide, the user navigates the program listings of grid 366 to highlight the desired program cell 396 with cursor 394 by pressing up, down, left, and right arrow keys. Cursor 394 is always shadowed in channel list 350 by channel shadow 392 and in date and time bar 348 by time shadow 393. Channel shadow always remains vertically aligned with cursor 394 to indicate the channel on which the program highlighted by cursor 394 can be found. Time shadow 393 always remains horizontally aligned with cursor 394 to show the beginning of the time frame highlighted by cursor 394. For example, as shown "KCBS 2" in channel list 350 and "4:00 pm" in date and time bar 348 are shadowed by channel shadow 392 and time shadow 393, respectively, to indicate that "CBS Sports..." is on channel "KCBS 2" at "4:00 pm." Cursor 394 does not move within grid 366 of the IPG. Program cells 396 of grid 366, call signs 388 and channel numbers 390 of channel list 350, and times 386 of date and time bar 348 scroll instead (col. 24, l. 34-56). Since the cursor does not move, the examiner notes that the cursor and channel shadow remain centered. LaJoie et al. further discloses that, when the user switches modes in the IPG, the default program highlighted and centered upon entering the new mode corresponds to the program being viewed in program viewing window 340 (col. 26, l. 64-67; col. 27, l. 1-7; col. 28, l. 5-15; & Figs. 16, 19, 20, 22). Applicant's specification describes the highlighted program to be the "in-focus" program, and that the "in-focus" program can be set to the program currently showing in the current program video area 73 in response to a user input (p. 20, 21, 23 of Applicant's specification). As noted above, LaJoie et al. also discloses setting the highlighted program to be the program currently showing in a current video window in response to a user input. As such, the examiner interprets the input to be a "focus instruction," as currently claimed. The examiner maintains that LaJoie et al. meets the limitation of "responsive to receiving a focus instruction subsequent to the activation instruction, centering the sequential channels on the channel corresponding to a current program to which the STT is tuned and highlighting the one of the television program channels corresponding to the current program," as currently claimed.